

REMARKS

By this Response, Applicant has amended claims 1-11, 21, 24, and 25 to more appropriately recite the subject matter of the invention. In the Office Action, the Examiner rejected claims 1, 2, 4, 5, 7, 8, 10, 11, 21, 22, 24, 25, and 27 under 35 U.S.C. § 102(e) as anticipated by Mauney (U.S. Pat. No. 6,484,027); and rejected claims 3, 6, 9, 12-20, 23, 26, and 28 under 35 U.S.C. § 103(a) as unpatentable over Mauney in view of Werling et al (U.S. Pat. No. 6,456,856).

Rejection under 35 U.S.C. § 102(e)

The Examiner rejected claims 1, 2, 4, 5, 7, 8, 10, 11, 21, 22, 24, 25, and 27 under 35 U.S.C. § 102(e) as anticipated by Mauney. In order to properly anticipate Applicants' claimed invention under 35 U.S.C. § 102(e), each and every element of the claim in issue must be found, either expressly described or under principles of inherency, in a single prior art reference. See M.P.E.P. § 2131 (8th Ed., Aug. 2001), p. 2100-69. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." See id. Finally, "[t]he elements must be arranged as required by the claim." See id.

Claim 1, as currently presented, recites a communication system having a first device and a second device for communicating with the first device through a wireless link, comprising, the first device including, among others, a section which sets a range in which a message transmitted from the first device reaches, wherein the message is for searching the second device to be communicated with the first device, and a section which causes the first device to transmit a message in accordance with the set range by said setting section.

Mauney does not disclose at least a first device including a section which sets a range in which a message transmitted from the first device reaches as recited in claim 1. The Examiner stated that Mauney discloses "a communication system (FIGS. 2 and 3) having a first device 42A and a second device 42B for communicating with the first device via a wireless link (col 12 lines 1-18 and 43-67), the first device including means for searching the second device by creating a page message (col 22 line 50-col 23 line 18) which can be broadcast according to an inherently set range (col 5 lines 45-53, col 23 lines 19-32)." In other words, the Examiner admitted that Mauney discloses a first device including means for searching a second device for searching the second device by creating a page message which can be broadcast according to a predetermined *inherently set range*. (emphasis added) Nowhere does Mauney teach at least a first device including a section which sets a range in which a message transmitted from the first device reaches as recited in claim 1.

Since Mauney fails to teach each and every one of the elements in the combination of claim 1, Applicant respectfully submits that Mauney does not anticipate claim 1 under 35 U.S.C. § 102(e). Accordingly, Applicant respectfully requests withdrawal of this rejection. Independent claims 4 and 7, although of different scope, include recitations similar to those in claim 1 discussed above. Claims 2, 5, 8, 10, and 11 depend on claims 1, 4, or 7. For at least the reasons given above with respect to allowable claim 1, Applicant respectfully requests that the rejection of claims 2, 4, 5, 7, 8, 10, and 11 under 35 U.S.C. § 102(e) be withdrawn and the claims be allowed.

Independent claim 21, as currently presented, recites a communication system having a first device and a second device for communicating with the first device through a

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wireless link, comprising, among others, the first device including a first outputting section for outputting a message to a first range in which the second device and an external device are positioned, a second outputting section for outputting the message to a second range in which the second device is positioned, the external device positioning out of the second range, and a section which selects one of the first outputting section and the second outputting section.

Mauney does not disclose at least a first device including a first outputting section for outputting a message to a first range in which a second device and an external device are positioned, a second outputting section for outputting the message to a second range in which the second device is positioned, the external device positioning out of the second range, and a section which selects one of the first outputting section and the second outputting section as recited in claim 21.

The Examiner stated that Mauney discloses a first device including “means for searching the second device by creating a page message which can be broadcast according to an inherently set range (col 5 lines 45-53, col 23 lines 19-32)” and “means for searching the second device with a second memorize message broadcast to a smaller range in which the second device is positioned, but not the other devices (col 52 lines 22-55, col 53 lines 20-45) and means for selecting which message to send (selecting the communicate or memorize modes).” Office Action, pages 4-5. In other words, the Examiner admitted that Mauney discloses a means for selecting one of two messages, i.e., a page message and a second memorize message. Nowhere does Mauney teach a first outputting section for outputting a message to a first range in which a second device and an external device are positioned, a second outputting section for outputting the

message to a second range in which the second device is positioned, the external device positioning out of the second range, and a section which selects one of the first outputting section and the second outputting section as recited in claim 21. (emphasis added.)

Since Mauney fails to teach each and every one of the elements in the combination of claim 21, Applicant respectfully submits that Mauney does not anticipate claim 21 under 35 U.S.C. § 102(e). Accordingly, Applicant respectfully requests withdrawal of this rejection. Independent claims 24 and 27, although of different scope, include recitations similar to those in claim 21 discussed above. Claims 22 and 25 depend on claims 21 and 24, respectively. For at least the reasons given above with respect to claim 21, Applicant respectfully requests that the rejection of claims 22, 24, 25, and 27 under 35 U.S.C. § 102(e) be withdrawn and the claims be allowed.

Rejection under 35 U.S.C. § 103(a)

The Examiner rejected claims 3, 6, 9, 12-20, 23, 26, and 28 under 35 U.S.C. § 103(a) as unpatentable over Mauney in view of Werling. To establish a prima facie case of obviousness under 35 U.S.C. § 103(a), each of three requirements must be demonstrated. First, Mauney in view of Werling, when combined, must disclose or suggest each and every element recited in the claims. See MPEP § 2143, page 2100-122. Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references in a manner resulting in the claimed invention. See id. Third, a reasonable probability of success must exist. See id. Applicant respectfully traverses the rejection for the following reasons.

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Claim 12, as currently presented, recites a communication system having a first device and a second device for communicating with the first device through a wireless link, comprising, among others, a first device which transmits a message for searching for the second device by radio communication, wherein the first device comprises, among others, a main body which sets a range in which the message transmitted from the first device reaches and which outputs first control information in accordance with the set range.

As discussed above with respect to claim 1, Mauney does not teach or suggest at least a first device comprising a main body which sets a range in which the message transmitted from the first device reaches, as recited in claim 12. Werling does not cure the deficiencies of Mauney. For example, even assuming Werling arguably could properly be combinable with Mauney, which Applicant disputes, Werling does not teach or suggest at least a first device comprising a main body which sets a range in which the message transmitted from the first device reaches as recited in claim 12.

In view of the failure Mauney and Werling to disclose or suggest all features of claim 12, Applicant submits that claim 12 is patentable and the rejection of claim 12 under 35 U.S.C. § 103(a) should be withdrawn. Independent claims 16 and 17, although of different scope, include recitations similar to those in claim 12 discussed above. Claims 13-15 and 18-20 depend on claims 12 or 17. For at least the reasons given above with respect to claim 12, Applicant respectfully requests that the rejection of claims 13-20 under 35 U.S.C. § 103(a) be withdrawn and the claims be allowed.

Claim 3, 6, and 9 depend on claims 1, 4, or 7; claims 23, 26, and 28 depend on claims 21, 24, or 27. "Examiners are reminded that a dependent claim is directed to a

combination including everything recited in the base claim and what is recited in the dependent claim. It is this combination that must be compared with the prior art, exactly as if it were present as one independent claim." M.P.E.P. § 608.01(n)(III), page 600-77.

As discussed above, claims 1, 4, and 7 are patentable over Mauney. Werling does not cure the deficiencies of Mauney. For example, assuming Werling arguably could properly be combinable with Werling, which Applicant disputes, Werling does not teach or suggest at least a first device including a section which sets a range in which a message transmitted from the first device reaches as recited in claims 1, 4, and 7. Therefore, claims 3, 6, and 9 are allowable at least for the reasons provided above with respect to claims 1, 4, or 7 and also by virtue of their dependency on claims 1, 4, or 7. Accordingly, Applicant respectfully request withdrawal of claims 3, 6, and 9 under 35 U.S.C. § 103(a).

As discussed above, claims 21, 24, or 27 are patentable over Mauney. Werling does not cure the deficiency of Mauney. For example, assuming Werling is arguably combinable with Werling, which Applicant disputes, Werling does not teach or suggest at least a first device including, a first outputting section for outputting a message to a first range in which a second device and an external device are positioned, a second outputting section for outputting the message to a second range in which the second device is positioned, the external device positioning out of the second range, and a section which selects one of the first outputting section and the second outputting section.

Therefore, claims 23, 26, and 28 are allowable at least for the reasons provided above with respect to claims 21, 24, or 27 and also by virtue of their dependency on claims 21,

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24, or 27. Accordingly, Applicant respectfully request withdrawal of claims 23, 26, and 28 under 35 U.S.C. § 103(a).

Conclusion

In view of the foregoing remarks, Applicant respectfully submits that each and every one of claims 1-14 defines patentable subject matter, and that the application is in condition for allowance. Applicant respectfully requests the reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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